

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
BUFFALO, NEW YORK

-----X

Farahnaz AMIRKHANI,

Petitioners

COMPLAINT

-against-

DEPARTMENT OF HOMELAND SECURITY,
THE UNITED STATES CITIZENSHIP & IMMIGRANT
SERVICES, and the FEDERAL BUREAU
OF INVESTIGATIONS,

Respondent.

-----X

PETITION FOR MANDAMUS

To the Honorable Judges of the United States District Court, Northern District of New York: Petitioner Farahnaz AMIRKHANI (A98 065 917) hereby petitions this Court through this mandamus action to direct the Department of Homeland Security and the Federal Bureau of Investigations to complete all background checks and finalize her petition for permanent residence forthwith.

This action arises from the Respondents violation of Section 6 of the Administrative Procedure Act, and 5 U.S.C. §555(b), and 28 U.S.C. §1331 and 1361.

JURISDICTION

1. The Administrative Procedure Act requires that administrative agencies have a duty to decide issues presented to them within a reasonable time. 5 U.S.C. §555(b).
2. 28 U.S.C. §1331 confers jurisdiction on the District Courts to review actions of federal agencies. 28 U.S.C. §1331 note 48. Indeed, reviewing courts have a duty to compel agency action unreasonably delayed. Neder v. F.C.C., 50 F.2d 182, 172 U.S. App. D.C. 1, (C.A.D.C.

1975).

3. Furthermore, 28 U.S.C. §1361 provides that “district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”
4. Under Rule 81 of the Federal Rules of Civil Procedure, writs of mandamus are abolished: “Relief heretofore available by mandamus ... may be obtained by appropriate action or by appropriate action or by appropriate motion under the practice prescribed in these rules”.
5. Section 279 of the Immigration and Nationality Act, 8 U.S.C. Sec 1329 confers jurisdiction upon United States District Courts for review of all cases arising under the Immigration and Nationality Act, and the Administrative Procedures Act provides for judicial review of federal administrative agencies, authorizing the court to compel agency action unlawfully withheld or unreasonably denied.
6. Jurisdiction also lies under the United States Constitution because a benefit has been conferred to the Petitioner and the executive arm of the government is required to assure that the laws are discharged and complied with.

STATEMENT OF FACTS

7. Petitioner Farahnaz Amirkhani is a native of Tehran, Iran. In or about February, 2004 a Farahnaz Amirkhani and her husband petitioned the United States Citizenship and Immigrant Services (hereinafter “USCIS”) to for classification of Ms. Amirkhani as the wife of an United States citizen and for status of permanent residence. Copies of documents demonstrating the filing are attached hereto as Exhibit “A”.

8. The petitioner and her husband were called into an interview before the United States Citizenship & Immigration Service (hereinafter referred to as "USCIS") in Buffalo on September 7, 2004. See Exhibit "B".
9. Thereafter there has been no further word from the USCIS about the status of the case or when it will be finalized.
10. The Petitioner has sought through numerous inquiries to have her case finalized: her attorney has written numerous letters to the USCIS; she has made requests through her local representatives and has made personal inquiries as well. All efforts have been fruitless. There is no indication of how long the case will remain pending. See Exhibit "C" for attorney inquiries and Exhibit "D" for inquiries through other sources.
11. This case has been pending for over three years and the USCIS has provided no indication that it is willing to adjudicate this petition.

RELIEF SOUGHT

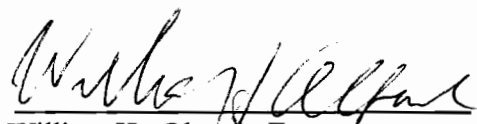
12. Petitioner faces the possibility that her case will remain unadjudicated for substantial additional time because the USCIS has failed and/or refuses to adjudicate her case.
13. All attempts by the petitioners to have her case finalized – through inquiries to the immigration service – have been to no avail.
14. Petitioner has no means to compel the USCIS to complete those duties that are required of it by law. All attempts by the Petitioner to have her case finalized have been fruitless.
15. The USCIS is the only agency authorized to perform these adjudications and it has failed to do so; the petitioner's petition for adjustment of status has not been completed despite that

petitioner is eligible for permanent residence and has fulfilled each and every legal requirement required to become a permanent resident. There is no forum or means other than this mandamus action for petitioner to obtain relief. Because the USCIS case is "pending", petitioner cannot file any appeal within the agency itself, or an administrative appeal.

16. The USCIS is statutorily mandated to adjudicate permanent resident applications. This procedure must be performed within a reasonable time which has not occurred.
17. Further inaction continues to seriously harm the petitioner who wishes to attend dental school. Without her residence she cannot be licensed in the state of New York, and is not eligible for in-state tuition. Consequently, this administrative inertia is actionable, and the U.S. District Court has jurisdiction and the power to compel this agency's action and to compel a final adjudication of the petitioner's application. Jeffrey v. INS, 710 F. Supp. 486 (S.D.N.Y.1989), Environmental Defense Fund, Inc. v. Haden, 428 F.2d 1093, 138 U.S. App.D.C. 391(C.A.D.C. 1970).

WHEREFORE, Petitioner respectfully request through this Mandamus action that the United States Citizenship & Immigration Services be directed to immediately grant the petitioner permanent residence.

Dated: June 12, 2007



William H. Oltarsh, Esq.
Oltarsh & Associates, P. C.
Attorneys for the Petitioner
494 Eighth Avenue, Suite 1704
New York NY 10001
(212) 944-9420

Notice of Action



Receipt Number: MSC-04-147-18360		Case Type: I-130 - Petition for Alien Relative
Received Date: February 20, 2004	Priority Date:	Applicant: A020324350 BENNETT, MATTHEW
Notice Date: February 26, 2004	Page 1 OF 1	ASC Code:

MARIA BALDINI POTERMIN 105 W MADISON ST STE 2200 CHICAGO IL 60602

Notice Type:	Receipt Notice
Amount Received:	\$130.00

The above application/petition has been received. **Please notify us immediately if any of the above information is incorrect.** Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

BIOMETRICS PROCESSING STAMP

ASC SITE CODE: XBH
BIOMETRICS QA REVIEW BY:

F ON 3-10-04
TENPRINTS QA REVIEW BY:
_____ ON _____

If you have questions, you may call the BCIS National Customer Service Center at 1-800-375-5283. For TDD hearing impaired assistance, please call 1-800-767-1833.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at www.BCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U S BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES
P.O. BOX 648005
Lee's Summit, MO 64064
National Customer Service Center: 1-800-375-5283



EXHIBIT "A"

THE UNITED STATES OF AMERICA

ASC Appointment Notice

CASE TYPE
1485 Application to Register Permanent Resident or Adjust Status

APPLICATION NUMBER
MSC0414718365

SOCIAL SECURITY NUMBER

USCIS A#

A098065917

TCR

SERVICE CENTER

MSC

NOTICE DATE
08/18/2006

CODE

3

PAGE

1 of 1

FARAHNAZ H AMIRKHANI
c/o MARIA BALDINI POTERMIN

105 W MADISON ST STE 2200
CHICAGO, IL 60602-



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.

**PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.**

APPLICATION SUPPORT CENTER

USCIS BUFFALO
130 DELAWARE AVENUE
BUFFALO, NY 14202

DATE AND TIME OF APPOINTMENT

08/31/2006
8:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. THIS APPOINTMENT NOTICE and
2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

REQUEST FOR RESCHEDULING

If you are unable to appear at this time, you may go on any FOLLOWING Wednesday at the same time noted above, as long as you appear before 11/13/2006. If you do not have your biometrics taken by that date, your application will be considered abandoned.

BIOMETRICS FINGERPRINTING STAMP

ASC SITE CODE:

XBIT

BIOMETRICS QA REVIEW BY:

DT

ON 8.31.06

TENPRINTS QA REVIEW BY:

DT

ON 8.31.06

APPLICATION NUMBER 1

1485

MSC0414718365



If you have any questions regarding this notice, please call 1-800-375-5283.


WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Notice of Action

UNITED STATES OF AMERICA

REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			NOTICE DATE July 23, 2004
CASE TYPE FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# A 098 065 917
APPLICATION NUMBER MSC0414718365	RECEIVED DATE February 20, 2004	PRIORITY DATE February 20, 2004	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS FARAHNAZ H AMIRKHANI c/o MARIA BALDINI POTERMIN 105 W MADISON ST STE 2200 CHICAGO IL 60602		PLEASE COME TO: U.S. Citizenship and Immigration Services 130 DELAWARE AVE FEDERAL CENTER ROOM 201 BUFFALO NY 14202 1	
llallllllllllllllllllll		ON: Tuesday, September 07, 2004 AT: 01:00 PM	
You are hereby notified to appear for the interview appointment, as scheduled above, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485). Failure to appear may result in the denial of your application.			
Who should come with you? <ul style="list-style-type: none">■ If your eligibility is based on your marriage, your husband or wife <u>must</u> come with you to the interview.■ If you do not speak English fluently, you should bring an interpreter who is neither a relative nor an interested party in your application.■ Your attorney or authorized representative may come with you to the interview.			
NOTE: <u>Every</u> adult who comes to the interview <u>must</u> bring Government-issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.			
What <u>MUST</u> you bring? <ul style="list-style-type: none">■ Bring this Interview Notice.■ Bring your Government-issued photo identification.■ Bring <u>all</u> your Passports and <u>any other</u> documents, including your Arrival/Departure Document (Form I-94), used to enter the United States.■ Bring your Birth Certificate.■ Bring <u>all</u> documentation establishing your eligibility for Lawful Permanent Resident status (<i>see below: "What else should you bring?"</i>).■ Bring <u>all</u> immigration-related documentation ever issued to you.■ Bring both <u>originals and photocopies</u> of all supporting documents. Otherwise, we may keep your originals for our records.■ Bring a certified English translation for each document not in English. The translator must certify that s/he is fluent in both languages, and that the translation in its entirety is complete and accurate.			
What else should you bring? <ul style="list-style-type: none">■ Bring any Employment Authorization card or paper, and any Authorization for Advance Parole (Form I-512) ever issued to you.■ Bring your petitioner's Birth Certificate <i>and</i> your petitioner's evidence of United States Citizenship or Lawful Permanent Resident status.■ If you have children, bring a Birth Certificate for <u>each</u> of your children.■ If you are married, bring your Marriage Certificate.■ If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring:<ul style="list-style-type: none">■ Your spouse's Birth Certificate <i>and</i> your spouse's evidence of United States Citizenship or Lawful Permanent Resident status;■ If either you or your spouse were ever married before, <u>all</u> divorce decrees/death certificates for <u>each</u> prior marriage/former spouse;■ Birth Certificates for <u>all</u> children of this marriage, and custody papers for your children and for your spouse's children not living with you;■ Supporting evidence of your relationship, such as joint financial statements, joint legal documents, joint insurance policies, and photos.■ If you have not already submitted it, bring a completed medical examination (Form I-693) <i>and</i> vaccination supplement in a sealed envelope.■ Bring your Federal Income Tax returns <i>and</i> W-2's, or certified IRS printouts, for the past 3 years.■ If you are employed, bring letters from each of your current employers on company stationery, verifying your current rate of pay <i>and</i> average weekly hours, <i>and</i> bring your pay stubs for the past 2 months.■ Bring completed Affidavit(s) of Support (Form I-864), with <u>all</u> required evidence, including the following for <u>each</u> of your sponsors:<ul style="list-style-type: none">■ Federal Income Tax returns <i>and</i> W-2's, or certified IRS printouts, for the past 3 years;■ Letters from each current employer on company stationery, verifying current rate of pay <i>and</i> average weekly hours, <i>and</i> pay stubs for the past 2 months;■ Evidence of United States Citizenship or Lawful Permanent Resident status.■ If you have ever been arrested, for <u>each</u> arrest, bring the related Police Report and the original or certified Final Court Disposition, even if the charges have been dismissed or expunged. If no court record is available, furnish a letter from the court with jurisdiction indicating this.			
PLEASE MAKE EVERY EFFORT TO KEEP YOUR APPOINTMENT, even if you do not have all the listed items. If an <u>emergency</u> , such as the hospitalization of a close relative, prevents you from appearing, call the Citizenship and Immigration Services (CIS) customer service as soon as possible. Please be advised that rescheduling will delay processing, may require some steps to be repeated, and will affect your eligibility for other immigration benefits while this application is pending.			
If you have questions, please call CIS customer service at 1-800-375-5283 (hearing impaired TDD service is 1-800-767-1833).			
REPRESENTATIVE COPY			

LAW OFFICES OF
SCOTT D. POLLOCK & ASSOCIATES, P.C.

105 W. MADISON STREET, SUITE 2200, CHICAGO, IL 60602

SCOTT D. POLLOCK
ADMITTED IN ILLINOIS & NEW YORK

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FAX: (312) 444-1950

MARTA DELGADO
ADMITTED IN ILLINOIS & WISCONSIN

E-MAIL: info@lawfirm1.com
WEB: <http://www.lawfirm1.com>

MARIA BALDINI-POTERMIN
ADMITTED IN ILLINOIS & MINNESOTA

COPY

KATHRYN R. WEBER
ADMITTED IN ILLINOIS

FATIMA G. MOHYUDDIN
ADMITTED IN MISSOURI

ANNE G. RELIAS
ADMITTED IN ILLINOIS

November 30, 2006

Department of Homeland Security
U.S. Citizenship and Immigration Services
Buffalo District Office
Federal Center
130 Delaware Avenue
Buffalo, NY 14202

*By U.S. Certified Mail
Return Receipt Requested*

Re: Sixth I-485 STATUS INQUIRY, MSC0414718365
Petitioner: Matthew BENNETT
Beneficiary: Farahnaz AMIRKHANI, A 98 065 917
Date of Birth: 11/03/73
Date of Interview: 9/7/2004

To Whom It May Concern:

I represent Mr. Bennett and Ms. Farahnaz Amirkhani. Enclosed are copies of Forms G-28, Notice of Entry of Appearance as Attorney, signed by Mr. Bennet and Ms. Amirkhani.

On September 7, 2004, Mr. Bennett and Ms. Amirkhani attended an adjustment of status interview with the Buffalo Citizenship and Immigration Services (CIS) Buffalo Office. At the interview, the officer informed them that their case looked approvable. The officer then stated that Ms. Amirkhani would receive an appointment letter to go to the CIS to get a stamp in her passport within two weeks and would receive her conditional permanent resident card two weeks later.

Ms. Amirkhani has yet to receive any notice or her resident alien card from the CIS. She filed several written inquiries regarding the status of her application. See attached CIS status inquiries (12/2/04, 4/1/05, 1/24/06, 4/24/06, and 7/26/06). On February 3, 2006, we received a letter from the CIS Buffalo Office, stating that Ms. Amirkhani's case was not completed because of pending background checks and that it would take from six months to one year to complete. See CIS letter, 02/03/06. We received a second letter from CIS dated April 27, 2006, stating that Ms. Amirkhani's case is under review and not completed in part because of "pending required database checks." No time frame for a decision was given in this most recent letter. See CIS letter, 4/27/06.

EXHIBIT "C"

Farahnaz AMIRKHANI

A98 065 917

Page 2 of 2

Ms. Amirkhani has already waited over two years and two months since the date of her adjustment of status interview on September 7, 2004, to receive a decision regarding her application for permanent residence. She has no criminal record in the U.S. or any other country. Please complete the background checks and adjudicate her application for permanent residence as soon as possible. Thank you for your assistance in Ms. Amirkhani's case.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Baldini-Potermin", with a long, sweeping horizontal stroke extending to the right.

Maria Baldini-Potermin
Attorney at Law

MBP/msc
Enclosures

LAW OFFICES OF
SCOTT D. POLLOCK & ASSOCIATES, P.C.

105 W. MADISON STREET, SUITE 2200, CHICAGO, IL 60602

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FATIMA G. MOHYUDDIN
ADMITTED IN MISSOURI

MARIA BALDINI-POTERMIN
ADMITTED IN ILLINOIS & MINNESOTA

ANNE G. RELIAS
ADMITTED IN ILLINOIS

July 26, 2006

Department of Homeland Security
U.S. Citizenship and Immigration Services
Buffalo District Office
Federal Center
130 Delaware Avenue
Buffalo, NY 14202

By U.S. Certified Return Receipt Mail

7006 0100 0000 7357 2284

FILE COPY

Re: Fifth I-485 STATUS INQUIRY, MSC0414718365
Petitioner: Matthew BENNETT
Beneficiary: Farahnaz AMIRKHANI, A 98 065 917
Date of Birth: 11/03/73
Date of Interview: 9/7/2004

To Whom It May Concern:

I represent Mr. Bennett and Ms. Farahnaz Amirkhani. Enclosed are copies of Forms G-28, Notice of Entry of Appearance as Attorney, signed by Mr. Bennet and Ms. Amirkhani.

On September 7, 2004, Mr. Bennett and Ms. Amirkhani attended an adjustment of status interview with the Buffalo Citizenship and Immigration Services (CIS) Buffalo Office. At the interview, the officer informed them that their case looked approvable. The officer then stated that Mrs. Amirkhani would receive an appointment letter to go to the CIS to get a stamp in her passport within two weeks and would receive her conditional permanent resident card two weeks later.

Mrs. Amirkhani has yet to receive any notice or her resident alien card from the CIS. She filed several written inquiries regarding the status of her application. *See* attached CIS status inquiries (12/2/04, 4/1/05, 1/24/06, 4/24/06). On February 3, 2006, we received a letter from the CIS Buffalo Office, stating that Mrs. Amirkhani's case was not completed because of pending background checks and that it would take from six months to one year to complete. *See* CIS letter, 02/03/06.

Mrs. Amirkhani has already waited over one year and ten months since the date of her adjustment of status interview on September 7, 2004 to receive a decision or her resident alien

card from the CIS. She has no criminal record in the U.S. or any other country. Please complete the background checks and adjudicate her application for permanent residence as soon as possible. Thank you for your assistance in Ms. Amirkhani's case.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Baldini-Potermin", with a stylized flourish at the end.

Maria Baldini-Potermin
Attorney at Law

MBP/vm
Encl.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Department of Homeland Security
Citizenship & Immigration Services
Buffalo District Office
Federal Center
130 Delaware Avenue
Buffalo, NY 14202

2. Article Number

(Transfer from service label)

7006 0100 0000 7357 2284

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *L. Daly*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

T. DALY/DMS

C. Date of Delivery

7/27/06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Scott D. Pollock
& Associates, P.C.
105 W. Madison St. #2200
Chicago, IL 60602-4648
Phone: (312) 444-1940

Re: Amickhoni (MBP)

AUG - 1 2006

SCOTT D. POLLOCK & ASSOCIATES

Buffalo District Office
U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services
130 Delaware Avenue
Buffalo, NY 14202



U.S. Citizenship
and Immigration
Services

April 27, 2006

Maria Baldini-Potermine
Law Offices of Scott Pollock & Associates P.C.
105 W. Madison Street Suite 2200
Chicago, IL 60602

RE: Farahnaz AMIRKHANI, A98 065 917

Dear Ms. Baldini-Potermine:

Reference is made to your letter, dated April 24, 2006, to this office regarding Ms. Amirkhani's pending application for adjustment of status (Form I-485). Please be advised that this case is under review and is not completed, in part, because of pending required background database checks.

Pursuant to the USCIS Fact Sheet named Immigration Security Checks – How and Why the Process Works:

"Most cases proceed forward without incident. However, due to both the sheer volume of security checks USCIS conducts, and the need to ensure that each applicant is thoroughly screened, some delays on individual applications are inevitable. Background checks may still be considered pending when either the FBI or relevant agency has not provided the final response to the background check or when the FBI or agency has provided a response, but the response requires further investigation or review by the agency or USCIS. Resolving pending cases is time-consuming and labor-intensive; some cases legitimately take months or even several years to resolve. Every USCIS District Office performs regular reviews of the pending caseload to determine when cases have cleared and are ready to be decided. USCIS does not share information about the records match or the nature or status of any investigation with applicants or their representatives."

We apologize for the delay.

Very truly yours,

for

M. Frances Holmes
District Director

LAW OFFICES OF
SCOTT D. POLLOCK & ASSOCIATES, P.C.

105 W. MADISON STREET, SUITE 2200, CHICAGO, IL 60602

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ADMITTED IN MISSOURI

MARIA BALDINI-POTERMIN
ADMITTED IN ILLINOIS & MINNESOTA

ANNE G. RELIAS
ADMITTED IN ILLINOIS

April 24, 2006

Department of Homeland Security
U.S. Citizenship and Immigration Services
Buffalo District Office
Federal Center
130 Delaware Avenue
Buffalo, NY 14202

By Certified Return Receipt Mail

Re: **I-485 STATUS INQUIRY, MSC0414718365**
Petitioner: Matthew BENNETT
Beneficiary: Farahnaz AMIRKHANI, A 98 065 917
Date of Birth: 11/03/73

7005 1820 0007 5147 0685

FILE COPY

To Whom It May Concern:

I represent Mr. Bennett and Mrs. Farahnaz Amirkhani. Enclosed are copies of Forms G-28, Notice of Entry of Appearance as Attorney, signed by them.

On September 7, 2004, Mr. Bennett and Mrs. Amirkhani attended an adjustment of status interview with the Buffalo Citizenship and Immigration Services (CIS) Buffalo Office. At the interview, the officer told them that their case looked approvable. The officer then stated that Mrs. Amirkhani would receive an appointment letter to go to the CIS to get a stamp in her passport within two weeks and would receive her conditional permanent resident card two weeks later.

Mrs. Amirkhani has yet to receive any notice or her resident alien card from the CIS. She filed several written inquiries regarding the status of her application. *See* CIS status inquiries (12/2/04, 4/1/05, 1/24/06). On February 3, 2006, we received a letter from the CIS Buffalo Office, stating that Mrs. Amirkhani's case was not completed because of pending background checks and that it would take from six months to one year to complete. *See* CIS letter, 02/03/06.

Mrs. Amirkhani has already waited over one and a half years since the date of her adjustment of status interview on September 7, 2004 to receive a decision or her resident alien card from the CIS. She has no criminal record in the U.S. or any other country. Please complete the background checks and adjudicate her application for permanent residence as soon as

possible. Thank you for your assistance in Mrs. Amirkhani's case.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Baldini-Potermin", followed by a stylized flourish or underline.

Maria Baldini-Potermin
Attorney at Law

MBP/lsl

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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Dept. Homeland Security
USCIS
Buffalo District Office
Federal Center
130 Delaware Ave.
Buffalo, NY 14202

2. Article Number

(Transfer from service label)

7005 1830 0007 5147 0685

PS Form 3811, February 2004

Domestic Return Receipt

102586-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X of T. Dady

☒ Agent☐ Address

B. Received by (Printed Name)

T. Dady

C. Date of Delivery

4/24/04

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered ☒ Return Receipt for Merchandise☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

Buffalo District Office
U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services
130 Delaware Avenue
Buffalo, NY 14202



U.S. Citizenship
and Immigration
Services

February 3, 2006

Maria Baldini-Potermin
Scott D. Pollock & Associates, PC
105 W Madison Street Suite 2200
Chicago, IL 60602

RE: Farahnaz AMIRKHANI, A98 065 917

Dear Ms. Baldini-Potermin:

Reference is made to your letter, dated January 24, 2006, to this office regarding the I-485 for Farahnaz AMIRKHANI. Please be advised that this case is under review and is not completed, in part, because of pending required background database checks. It may take from six months to one year, or longer, to complete this case. We apologize for the delay, however, every effort will be made to complete all action as soon as possible.

Very truly yours,

A handwritten signature in cursive script that reads "M. Frances Holmes".

M. Frances Holmes
District Director

LAW OFFICES OF
SCOTT D. POLLOCK & ASSOCIATES, P.C.

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FAX: (312) 444-1950

E-MAIL: info@lawfirm1.com

WEB: <http://www.lawfirm1.com>

SCOTT D. POLLOCK
ADMITTED IN ILLINOIS & NEW YORK

MARTA DELGADO
ADMITTED IN ILLINOIS & WISCONSIN

MARIA BALDINI-POTERMIN
ADMITTED IN ILLINOIS & MINNESOTA

KATHRYN R. WEBER
ADMITTED IN ILLINOIS

FATIMA G. MOHYUDDIN
ADMITTED IN MISSOURI

ANNE G. RELIAS
ADMITTED IN ILLINOIS

January 24, 2006

Department of Homeland Security
U.S. Citizenship and Immigration Services
Buffalo District Office
Federal Center
130 Delaware Avenue
Buffalo, NY 14202

By Certified Return Receipt Mail

7005 1160 0001 2737 5939

FILE COPY

Re: I-485 STATUS INQUIRY, MSC0414718365
Petitioner: Matthew BENNETT
Beneficiary: Farahnaz AMIRKHANI, A 98 065 917
Date of Birth: 11/03/73

To Whom It May Concern:

I represent Mr. Bennett and Mrs. Farahnaz Amirkhani. Enclosed are copies of Forms G-28, Notice of Entry of Appearance as Attorney, signed by them.

On September 7, 2004, Mr. Bennett and Mrs. Amirkhani attended an adjustment of status interview with the Buffalo Citizenship and Immigration Services (CIS) Buffalo Office. At the interview, the officer told them that their case looked approvable. The officer then stated that Mrs. Amirkhani would receive an appointment letter to go to the CIS to get a stamp in her passport within two weeks and would receive her conditional permanent resident card two weeks later.

Mrs. Amirkhani has yet to receive any notice or her resident alien card from the CIS. She filed several written inquiries regarding the status of her application and never received any responses to these inquiries. See CIS status inquiries (12/2/04, 4/1/05). She also made a personal visit to your office and was told that there was no information to give her on her case.

Although Mrs. Amirkhani did not receive any information from the CIS, she discovered that she had been scheduled for another interview regarding her adjustment of status application when she reviewed her case status on the CIS website. At a later date, she checked her case status again on the CIS website and found that the interview had been cancelled. She never received any written notices from the CIS regarding the interview or the cancellation. After this confusion, Mrs. Amirkhani called your office to verify what was happening with her case and was told by a representative that the representative was unsure.

Mrs. Amirkhani has waited one year and over three months since the date of her adjustment of status interview on September 7, 2004 to receive a decision or her resident alien card from the CIS. To date, she has not received any information regarding the status of her application. Because of CIS' delay, Mrs. Amirkhani is now eligible for lawful permanent residency rather than conditional residency, as she has been married to Mr. Bennett, the U.S. citizen petitioner, since February 7, 2003. Mrs. Amirkhani requests that the CIS review her file and grant her application for lawful permanent residence as soon as possible.

Please respond to this status inquiry by phone at 312-444-1940, by fax at 312-444-1950, by email at mbaldini-potermin@lawfirm1.com, or by mail at the following address:

Maria Baldini-Potermin
Scott D. Pollock & Associates
105 W. Madison St., Suite 2200
Chicago, IL 60602

I look forward to hearing from your office soon. Thank you for your assistance in Mrs. Amirkhani's case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Maria Baldini-Potermin", with a stylized flourish at the end.

Maria Baldini-Potermin
Attorney at Law

MBP/lsl

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. Article Addressed to:

DHS USCAIS
Buffalo District Office
Federal Center
130 Delaware Ave.
Buffalo, NY 14202

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *T. Mastros*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

T. Mastros

C. Date of Delivery

1/29/06

D. Is delivery address different from Item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7005 1160 6001 2737 5939

LAW OFFICES OF
SCOTT D. POLLOCK & ASSOCIATES, P.C.

105 W. MADISON STREET, SUITE 2200, CHICAGO, IL 60602

SCOTT D. POLLOCK
ADMITTED IN ILLINOIS & NEW YORK

TEL: (312) 444-1940
FAX: (312) 444-1950

KATHRYN R. WEBER
ADMITTED IN ILLINOIS

MARTA DELGADO
ADMITTED IN ILLINOIS & WISCONSIN

E-MAIL: info@lawfirm1.com
WEB: <http://www.lawfirm1.com>

REBECCA HOUGHTON
ADMITTED IN NEW YORK & MASSACHUSETTS

MARIA BALDINI-POTERMIN
ADMITTED IN ILLINOIS & MINNESOTA

FATIMA G. MOHYUDDIN
ADMITTED IN MISSOURI

FILE COPY

April 1, 2005

Department of Homeland Security
U.S. Citizenship and Immigration Services
Buffalo District Office
Federal Center
130 Delaware Avenue
Buffalo, NY 14202

By Certified Return Receipt Mail

7004 2510 0002 2248 7956

Re: I-485 STATUS INQUIRY, MSC0414718365
Petitioner: Matthew BENNETT
Beneficiary: Farahnaz AMIRKHANI, A 98 065 917
Date of Birth: 11/03/73

To Whom It May Concern:

I represent Mr. Bennett and Mrs. Farahnaz Amirkhani. Enclosed are copies of Forms G-28, Notice of Entry of Appearance as Attorney, signed by them.


On September 7, 2004, Mr. Bennett and Mrs. Amirkhani attended an adjustment of status interview with the Buffalo Citizenship and Immigration Services (CIS) Buffalo Office. At the interview, the officer told them that their case looked approvable. The officer then stated that Mrs. Amirkhani would receive an appointment letter to go to the CIS to get a stamp in her passport within two weeks and would receive her conditional permanent resident card two weeks later.

Mrs. Amirkhani waited three months to receive a notice or her conditional resident card from the CIS before sending the enclosed status inquiry to the CIS Buffalo Office on December 2, 2004. She also went directly to the CIS Buffalo Office twice to try to find out more information regarding the processing of her case. On both occasions, she was told by CIS officers that the case was still being processed and that they had no further information regarding her case.

Mrs. Amirkhani has been waiting for more than six months since the date of her adjustment of status interview on September 7, 2004 and still has not received any information from the CIS regarding the status of her application. She is now eligible for lawful permanent residency, as she has been married to Mr. Bennett, the U.S. citizen petitioner, since February 7, 2003. Mrs. Amirkhani requests that the CIS review her file and grant her application for lawful permanent residence as soon as possible.

If you have any questions, please do not hesitate to contact me at 312-444-1940 or the above address. Thank you for your assistance in this matter.

Sincerely,


Maria Baldini-Potermin
Attorney at Law

MBP/lsl

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dept. Homeland Security
U.S. CIS
Buffalo District Office
Federal Center
130 Delaware Ave.
Buffalo, NY 14202

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☒ Agent

☐ Addressee

B. Received by (Printed Name)

T. D. ALY/DHS

C. Date of Delivery

1/14/05

D. Is delivery address different from Item 1? ☐ Yes ☐ No
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4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7004 2510 0002 2248 7487

PS Form 3811, February 2004

Domestic Return Receipt

102505-02-11-1540

LAW OFFICES OF
SCOTT D. POLLOCK & ASSOCIATES, P.C.

105 W. MADISON STREET, SUITE 2200, CHICAGO, IL 60602

SCOTT D. POLLOCK
ADMITTED IN ILLINOIS & NEW YORK

TEL: (312) 444-1940
FAX: (312) 444-1950

MARTA DELGADO
ADMITTED IN ILLINOIS & WISCONSIN

E-MAIL: info@lawfirm1.com
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MARIA BALDINI-POTERMIN
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KATHRYN R. WEBER
ADMITTED IN ILLINOIS

REBECCA HOUGHTON
ADMITTED IN NEW YORK & MASSACHUSETTS

FATIMA G. MOHYUDDIN
ADMITTED IN MISSOURI

December 2, 2004

Department of Homeland Security
U.S. Citizenship and Immigration Services
Buffalo District Office
Federal Center
130 Delaware Avenue
Buffalo, NY 14202

By Certified Return Receipt Mail

FILE COPY

7004 1160 0005 7731 3131

Re: I-485 STATUS INQUIRY
MSC0414718365
Petitioner: Matthew BENNETT
Beneficiary: Farahnaz AMIRKHANI, A 98 065 917

To Whom It May Concern:

I represent Mr. Bennett and Mrs. Farahnaz Amirkhani. Enclosed are copies of Forms G-28, Notice of Entry of Appearance as Attorney, signed by them.

On September 7, 2004, Mr. Bennett and Mrs. Amirkhani attended an adjustment of status interview with the Citizenship and Immigration Services (CIS) Buffalo Office. At the interview, the officer told them that their case looked approvable. The officer then stated that Mrs. Amirkhani would receive an appointment letter to go to the CIS to get a stamp in her passport within two weeks and would receive her conditional permanent resident card two weeks later.

Nearly three months have passed, and Mrs. Amirkhani has not yet received a notice or her conditional resident card from the CIS. Please review her file and issue her conditional permanent resident card as soon as possible.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Sincerely,



Maria Baldini-Potermin
Attorney at Law

MBP/isl

- 1. Complete items 1-4 and 5. After complete item 1, it is suggested that delivery be delayed.
- 2. Print your name, paper, and address on the reverse. So that we can identify the paper to you.
- 3. Attach this card to the back of the envelope and drop the envelope in a collection box.

DIT 5-15
 Buffalo District Office
 Federal Bureau of Investigation
 30 Delaware Avenue
 Buffalo, New York 14201

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1. Name: John Doe
 2. Address: 123 Main St, Anytown, USA
 3. Phone: 555-123-4567
 4. Email: john.doe@example.com
 5. Date: 10/26/2023
 6. Signature: [Signature]
 7. Printed Name: John Doe
 8. Title: Manager
 9. Department: Marketing
 10. Company: ABC Corp
 11. Project: Project X
 12. Status: Complete
 13. Date: 10/26/2023
 14. Signature: [Signature]
 15. Printed Name: John Doe
 16. Title: Manager
 17. Department: Marketing
 18. Company: ABC Corp
 19. Project: Project X
 20. Status: Complete

THE WHITE HOUSE
WASHINGTON

September 7, 2005

Dr. Matthew Bennett
409 Carmen Road
Buffalo, New York 14226-1307

Dear Dr. Bennett:

On behalf of President George W. Bush, thank you for your letter.

The White House is sending your inquiry to the Department of Homeland Security. This agency has the expertise to address your concerns. They will respond directly to you, as promptly as possible.

The President sends his best wishes.

Sincerely,

A handwritten signature in black ink, reading "Marguerite A. Murer". The signature is written in a cursive, flowing style.

Marguerite A. Murer
Special Assistant to the President
and Director of Presidential Correspondence

EXHIBIT "D"

United States Senate

WASHINGTON, DC 20510

Dear Constituent:

Thank you for contacting my New York District office. I welcome the opportunity to assist you in resolving your matter with the U.S. Citizenship and Immigration Services (USCIS.) The attached **Constituent Waiver Form**, granting my office the necessary authority to intervene with the USCIS on your behalf, must be completed prior to our taking any action.

Please complete the form and return it via regular mail to:
U.S. Senator Charles E. Schumer, 757 Third Avenue, Suite 17-02, New York, NY, 10017.

A faxed form cannot be processed. It is important that the form be TYPED or PRINTED. Failure to complete all segments of the form will result in an unnecessary processing delay. **In addition, be sure to enclose copies of pertinent documents such as the applicants' "Receipt Notice" or "Notice of Action."** Upon receipt of your completed form, my office will conduct an inquiry with the USCIS, on your behalf, to determine the status of your application.

Unfortunately, the USCIS is experiencing a large influx of applications and is, therefore, unable to respond immediately to our queries. **Please allow up to 12 weeks for processing.** We will notify you by letter or telephone as soon as we receive a response from the USCIS. I thank you in advance for your patience and cooperation.

Sincerely,



Charles E. Schumer
United States Senator

Attachment

PLEASE RESPOND TO THE FOLLOWING OFFICE:

<input type="checkbox"/> ALBANY: LEO O'BRIEN BUILDING ROOM 420 ALBANY, NY 12207 (518) 431-4070	<input type="checkbox"/> BINGHAMTON: FEDERAL OFFICE BUILDING 15 HENRY STREET ROOM B6 BINGHAMTON, NY 13901 (607) 772-8109	<input type="checkbox"/> BUFFALO: 111 WEST HURON ROOM 620 BUFFALO, NY 14202 (716) 846-4111	<input type="checkbox"/> HUDSON VALLEY: P.O. BOX A RED HOOK, NY 12571 (914) 285-9741 (845) 569-0923	<input type="checkbox"/> LONG ISLAND: TWO GREENWAY PLAZA 145 PINE LAWN ROAD ROOM 300N MELVILLE, NY 11747 (631) 753-0978	<input type="checkbox"/> NEW YORK CITY: 757 THIRD AVENUE SUITE 1702 NEW YORK, NY 10017 (212) 486-4430 TDD: (212) 486-7661	<input type="checkbox"/> ROCHESTER: 100 STATE STREET ROOM 3040 ROCHESTER, NY 14614 (716) 263-5866	<input type="checkbox"/> SYRACUSE: 100 SOUTH CLINTON ROOM 841 SYRACUSE, NY 13261 (315) 423-5471	<input type="checkbox"/> WASHINGTON: 313 HART SENATE OFFICE BUILDING WASHINGTON, DC 20510 (202) 224-6542 TDD: (202) 224-0420
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Homeland Security

August 19, 2005

Dr. Matthew Bennett, M.D.
409 Carmen Road
Buffalo, New York 14226-1307

Dear Dr. Bennett:

On behalf of Vice President Cheney and the Department of Homeland Security (DHS) thank you for writing. Your letter was forwarded to the Department of Homeland Security, and we will be addressing your concerns.

The issues you raise are very important to us, and we are working to provide a written response.

Thank you for your patience in awaiting our response, and thank you again for writing.

Sincerely,

A handwritten signature in cursive script, reading "Benjamin D. Canino, Jr.".

Benjamin D. Canino, Jr.
Office of External Correspondence
Executive Secretariat

re: WF308903
VP181532



OFFICE OF THE VICE PRESIDENT
WASHINGTON

August 16, 2005

Matthew Bennett, M.D.
409 Carmen Road
Buffalo, New York 14226-1307

Dear Dr. Bennett:

Thank you for contacting Vice President Cheney for assistance in dealing with an agency of the Federal government. The Vice President has asked me to respond.

We are forwarding your matter to the Department of Homeland Security. That agency will review the facts and either start a case, reopen your old case, or explain their previous decision on your former case, as applicable. We have requested that they respond directly to you with a copy to us for our files, and we expect this to be done at the earliest possible opportunity.

Thank you for contacting the Vice President. Best wishes.

Sincerely,

A handwritten signature in cursive script that reads "Cecelia Boyer".

Cecelia Boyer
Special Assistant to the Vice President
for Correspondence

cc: Agency

U.S. Department of Homeland Security
National Benefits Center
P.O. Box 648005
Lees Summit, MO 64064



**U.S. Citizenship
and Immigration
Services**

Thursday, November 10, 2005

FARAHNAZ AMIRKHANI HOSSAINAKLOU
409 CARMEN RD
APT 2
AMHERST NY 14226

Dear FARAHNAZ AMIRKHANI HOSSAINAKLOU:

On 08/24/2005 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	02/20/2004
Receipt #:	MSC-04-147-18365
Beneficiary (if you filed for someone else):	AMIRKHANI HOSSAINAKLOU, FARAHNAZ
Your USCIS Account Number (A-number):	A098065917
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

Our records indicate that we recently sent you an appointment notice. Your case is currently in suspense until the interview date.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services